Mr. S. Venkiteswaran *(Conservator of Forests):* There is no restriction imposed with regard to sale of fuel at Trichur. Even villages around are supplied.

Mr. President: Does Mr. Ezhuthassan want to move his cut motion ?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Yes, Sir. The cut is only to request the Government that they may be pleased to extend the operations mentioned in the notes explaining the demand namely supply of fire-wood to some special places to be extended to Vadakkancheri and similar places. I am conscious that this cut motion may smack of little of provincialism, but being a necessity which I know first hand, I do not hesitate to make a request before the Government with the hope that it will be suitably reacted.

Mr. S. Venkiteswaran *(Conservator of Forests):* Government are prepared to undertake the supply wherever there is real necessity.

The cut motion was, by leave, withdrawn

Demands put and carried

LEGISLATIVE BUSINESS—GOVERNMENT BILLS

THE COCHIN PUBLIC HEALTH BILL

Mr. T. K. Nayar *(Minister for Rural Development):* Sir, I move that the Cochin Public Health Bill be read in Council.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I second it.

Mr. T. K. Nayar *(Minister for Rural Development):* The laws relating to Public Health now lie scattered in the Municipal Act and in various other independent and special enactments which are administerated by different authorities, *i.e.*, by the Municipal authorities and the Department of Public Health. This is not conducive to the efficient handling of problems concerning matters of public health. Again the public health activities of Government so far as rural areas are concerned are now being carried on by the Department of Public Health in virtue of the powers conferred on the Director of Public Health by the extension of certain sections of the Municipal Act to rural areas. The provisions of the Municipal Act, designed as they are to meet the requirements of towns, are, hon'ble members will not dispute, hardly suited to the conditions prevailing in rural areas. Further, the conduct of public health activities in the rural areas directly by the Public Health Department deprives Government of the advantages of the close co-operation and local supervision and control of the local bodies functioning in rural areas, which alone can be conducive to success. Now that the new Panchayat Bill proposes to re-constitute the panchayats with wider powers it behaves on Government to utilise their services in the furtherence of public health activities in rural areas by conceding to them certain powers of control and initiative. Again public health is not, hon'ble members will agree a matter to be left entire to local bodies and power must be left in Government to step in and co-ordinate the various public health activities if and when there is necessity for the same and to chalk out a general policy on which such activities are to be carried on without at the same time curtailing the powers already vested in the local authorities. The main object of the Bill is therefore to supply this element of coordination and to utilise the service of the local bodies to the maximum extent possible in so essential a matter as public health. The Bill is a very close adaptation of the Madras Public Health Act, but great care has been taken to avoid any conflict with the municipalities in the exercise by them of powers already vested in them. The Bill, I feel sure, will supply a longfelt want and I recommend this motion to the acceptance of the House, hon'ble members suggesting the lineson which they would like the Bill to be improved, for which an opportunity will be had at the Select Committee stage.

Mr. A. Eachara Menon *(Chittur-Rural):* Sir, the repurcussions of the Bill with that of the sister Bill which has gone into Committee, will be far-reaching than the Town Councils Act which the Government have kept in abeyance now. The Hon'ble Minister has stated that it does not touch the powers given to the Municipalities. Clause 11 says "every local authority shall provide its Health Officer with such clerical assistance, office accommodation, furniture, equipment, stationery and forms as may in the opinion of the Director of Public Health, be necessary for the proper conduct of the business of such Health Officer". Sir, can you not credit the Municipalities with common sense enough to supply their officers with these. Then comes the power to appoint persons to carry out the provisions of this Act. It is taken away from the Municipalities. The Government want to give the power to the Director of Public Health to boss over the Municipalities and the Government cannot believe the Municipalities to give clerks, office furniture, etc. That should be done by the Director of Public Health. I am sure that if the Minister thinks that such powers should be given to the Director of Public

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Health, and that the public health of the place should be conducted by the Health Department, I have only to say, save us from that situation.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: Sir, the Hon'ble Minister will once again be surprised to see that of all persons I should oppose a Bill of this nature. While agreeing to the necessity of taking measures to protect and safeguard the public health of the State, I consider that if the purpose is to be fully achieved, a department of Public Health should be separately constituted and should be entirely independent and free of the Panchayats, not that I am not for placing larger powers in the elected representatives, but I maintain that there should be a full-time Ministry of Public Health dealing with the larger question of how best to ensure that the Public Health is maintained at a high level. I may make my point clear. No improvement in public health can be effected by making provisions for appointment of persons dealing with diseases when they break out or manifest themselves.

The problem of public health in this country is really the problem of poverty and insufficient food and the ignorance of the masses and this cannot be improved even by posting a Health Inspector for each Village.

The evil should be attacked at its root. It is the duty of every self-respecting Government to see that its subjects are properly educated, properly fed and properly housed. The problem should be attacked from its centre and not from the circumference. Let me illustrate. Venereal diseases, for example, cannot be got rid of by clinics. The sources of distribution should be closed. No provision is seen in the Bill. Every house-holder is asked to destroy rats, but the state of houses which make it possible for them to breed and multiply should be got rid of. Instead of asking the citizens to go about rat-finding and rat-catching, you might as well say it shall be the duty of every person to go about and kill snakes because it is well known that there are a large number of snake bites in the country. The problem is in one sense the problem of ignorance of the masses and their poverty. What for instance is the meaning of asking a land-owner to see that his tenements are not over crowded; when as in the case in many Villages the house of a family tenant or landlord consists of a room with a father and mother and 13 children I am suggesting 13 because it is particularly unlucky. If reforms have to be effected they can be effected only by making it possible for the worker, wage-earners or for the citizen without employment to have sufficient means to own or occupy a decent house.

In other words the problem before Government is to how to increase the standard of living of the masses, how to get rid of ignorance, how to educate its citizens in essential matters and until that is done, no good can be maintained by appointing half a dozen Health Inspectors empowered to examine people to see whether they have any disease or whether rooms are overcrowded, etc. What is wanted is a long-range programme of rural uplift, or programme of reconstruction. Call it post-war if you like; for that we want a Ministry with imagination, a Ministry commanding the full confidence and respect of the majority of this House.

It is no use to introduce a Bill here because there is such a Bill elsewhere. The success of a Bill will depend upon the co-operation of the public and unless the public are educated there will be little co-operation. For example, nobody would like mosquito-biting. If people know that rearing of mosquitoes is from stagnant water and the collection of filth, they will remove it. Any number of Inspectors will not be able to remove stagnant water or filth from the houses of poor Villagers. So, they must be educated and they should know that stagnant water or filth will breed mosquitoes and then they will do it of their own accord. Until they know that it is on account of these that the mosquitoes are bred, they will never co-operate with the Government. So what is required is the co-operation of the public and for that they should be educated. Until then, no such Bill will be worked properly here. In England and other European countries people are very well educated and they have got civic consciousness and that is the reason why the health problem is working very satisfactorily and until our people are also advanced in education, this Bill will not work successfully in the Villages.

Mr. K. M. Ibrahim *(Cranganur)*: I do not quite agree with my old friend the Hon'ble Member for Chittur in saying that any jurisdiction of the Public Health Director in the Municipalities is to be tabooed. Even as things stand at present today, the Public Health Director can vaccinate people in Municipalities. On the same analogy the Hon'ble Member should object to that also.

Mr. A. B. Salem *(Mattancheri)*: It is wrong.

Mr. K. M. Ibrahim *(Cranganur)*: How is it wrong. Please Explain.

Mr. President: Order, order. The Hon'ble Member will continue his speech.

Mr. K. M. Ibrahim *(Cranganur)*: So that, Sir, this kind of argument is simply an argument to differ. "Give the dog the bad name and hang it". That seems to be the trend of the

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argument of my Hon'ble friend the Member for Chittur. Regarding the bifurcation of the Public Health and the Panchayat Deparments read from the written speech of my Hon'ble friend the Member for Nellayi, I may be allowed to submit that the bifurcation of the Public Health Department was, if I remember correctly, effected at the instance of a vote of this House.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : Amalgamation and not bifurcation.

Mr. K. M. Ibrahim *(Cranganur)* : I mean to say that the originally bifurcated condition was changed by a vote of this House. My only submission is if there is a case for bifurcation do bifurcate. But the Hon'ble Members will be pleased to give a careful thought whether there is a real case for bifurcation at present since our revered predecessors have already given the Government a vote that these Departments should be amalgamated. So on the strength of fresh arguments and new facts not seen at that moment, not arisen at that moment, facts which have newly installed into the arena of Cochin politics, if such facts can be brought to the attention of the House and the public opinion of Cochin and if there is a strong case for dividing these two Departments now, I also will be very happy to vote along with the Hon'ble member for Nellayi.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : Very glad indeed.

Mr. K. M. Ibrahim *(Cranganur)* : I am not concerned whether you are glad or not. It is not my concern. You may be glad, you may be angry, you may be miserable, you may be wretched, you may do any thing for which I am not responsible. Your psychological feelings are not working in my mind. You are not before my mind. It is my own views which I am placing before the Hon'ble members.

Regarding the argument, for better food and all that, that is an appeal to the whole Government, Sir. I congratulate the Hon'ble member for having made a very strong plea to the Government to give better food, more food, more employment, more education, more sanitation, more public health and more everything. It is a general appeal to the Government which has no relevancy whatsoever to the particular Public Health Bill. Regarding snake-bites, I am surprised why the Hon'ble member has got a doubt in his mind about the duty of the private citizen. It is the duty of every woman, child and male to kill a poisonous snake and if they do not do it, there must be a law to send them to jail.

Mr. A. B. Salem *(Mattancheri)* : Snakes ?

Mr. K. M. Ibrahim *(Cranganur)* : Regarding the reference of the Hon'ble member to the desirability of having an Hon'ble Minister enjoying the confidence of the House, he might have perhaps forgotten the last vote of confidence to which also he eloquently subscribed. We maintain the Hon'ble Minister enjoys the unanimous support of this House which has been testified by the very Hon'ble member who has got up at the outset to question that statement in a rather vague way. That is all my answer to it. I say no case has been made out by the Hon'ble Members who preceded me to throw out this Bill.

Mr. A. B. Salem *(Mattancheri)* : Sir, I also rise to oppose this Bill. There is absolutely to my mind no need for such a Bill. It encroaches on the authority vested in the local authorities. Now the health and well being of the respective areas are entrusted to the respective Municipal areas and they are the custodians of public health in such areas. The policy that should be adopted in the country is not to centralise authority but to decentralise. You must encourage more and more non-official bodies to look after these things rather than centralise these things at the hands of the Government. What was our object in enacting the Municipal Act. Our object was that the non officials who are elected by the people should look after the health and well-being of the towns. Now we have the executive authority in the Municipalities. When you bring this Act, these executive authorities can also be ordered by the Public Health Director. That means you are asking him to serve two masters. It is well settled under the new Testament that no man can serve two masters and you are going against that principle. That is one thing.

Secondly every item that is put here has a corresponding item in the Municipal Act, *viz.*, drainage, sewage, latrines, mosquitoes, health, food, adulteration, etc. All things are there in the Municipal Act. Then where is the necessity for this Bill. In the rural areas you may say there is no Act. When the Cochin Congress Ministry was in power, they wanted to bring Town Councils in rural areas. That was objected to by the people and there was a hue and cry in the House not to put it into force. Government was forced, to riggle out of the difficulty, to suspend the operation of the Act.

Mr. A. V. Moothedan *(Chalakkudi)* : Who raised the hue and cry ?

Mr. A. B. Salem *(Mattancheri)* : You have no ears to hear, eyes to see and brains to think. That is the only answer I can give you.

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Therefore it is not advisable to proceed with the passage of this Bill. If you do want this Act then exempt all the Municipal areas from the authority of the Director of Public Health. You can have very good health officers appointed in towns and if the ordinary health officer with small payment and qualifications are not enough for maintaining on progressive lines the health and well being of the towns, then appoint better men with higher qualifications, higher pay and higher status to take larger interests in the areas in their charge and educate the people and improve the sanitation and well being of the towns. That should be the policy that the Government should adopt. What is the use of burdening our statute book with Acts for which we are not yet ripe ? Now in all Municipalities you have well-trained officers at the head of the health department for looking after the health of the people in the towns. Similarly here also as beginning of it we can appoint small medical officers. We have got very good medical men who have gone out and after the war there will be a number of them who can be employed for this purpose. You should leave matters to the hands of the public so that they may not look to the Ma Bap Government for everything. You would concentrate all the powers here, the powers of supervision, powers of ordering people what they themselves are to do. All that the Government should reserve in themselves, is the power of advice to be tendered to the Municipalities. Just as the nice words of the Resident are carried out by the Government, the nice words of the Government should be carried out by the Municipal Chairman. In that way we should proceed rather than print and bring Act after Act on the Statute Book. After all how many people are going to read the Act. The one man that will be reading the Act is the man who is vested with the powers. How many experiments have been done in the State ? First we had the Chief Medical Officer. Then we had the same officer converted into the Chief Medical and Sanitary Officer. Then we again separated it, and had a Sanitary Officer separate and a Medical Officer separate. Then we abolished the Sanitary Officer and combined both in one officer. Then there was no Director of Public Health and that office was created later on, after the Council said "No", the Government said "no" we do not want this office at all. Then you created a new appointment. I do not think there is any necessity for the country at large for a Bill like this. All these powers exist now. See that they are carried out properly through the Municipalities. The Municipalities have all these powers. There is no single power given which is not in the Municipal Act. I respectfully submit for the consideration of the Government that there is no necessity to proceed with a Bill of this sort any further; it is also taking away the already vested powers in the Municipalities from them. That should be opposed on behalf of the local authorities. We all wish to see that the local authorities are vested with more and more powers to enforce whatever they think necessary in the interests and well being of the towns. Under these conditions I am constrained to oppose this measure.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam);* Sir, I do not find my way to oppose this Bill in toto. But in the form in which it has been introduced, it is very objectionable. My predecessors in this debate have made it very clear that so far as our urban areas are concerned, this Bill if passed into law will be a superfluity. It will be a superfluity in the sense that several sections of this Bill have corresponding sections in the Cochin Municipal Act. It does not stop with that and therein lies the harm. In the Statement of objects and reasons it is mentioned that the Bill is a close adaptation of the Madras Act but care has been taken as far as possible not to encroach upon the powers and duties of the Municipal Councils. That statement is there alright. But a perusal of the sections in the Bill and especially the sections dealing with the powers of the Director of Public Health according to this Bill will show that the bewildering array of powers vested in him, if exercised will certainly tie down the hands of the present municipalities. It will reduce local self-government to a mockery. Sir, at this stage of this legislation I do not feel I will be justified in wasting the time of this Hon'ble House if I discuss this Bill in extenso. But I think I have succeeded in making out a case that this Bill is necessary but that its operation should be restricted to rural areas. Urban areas may be left out of the purview of this Bill because under the present Municipal Act the Director of Public Health is armed with sufficient powers to co-ordinate the activities connected with Public Health in Municipalities. Therefore I appeal to the Hon'ble Members of this House not to oppose the Bill in toto but allow it to go to a Select Committee where it can be shaped properly.

Mr. M. Nanu Menon *(Ernakulam):* Sir, I only wish to point out one or two defects. It has been stated in the Bill that the Municipalities should ear-mark 25 per cent of their revenues for public health matters. It has been stated in the Statement of objects and reasons that there has been no encroachment on the powers of the Municipalities. There are also certain other provisions like that. They are certainly encroachments on the powers of the Municipalities. Such matters will have to be looked into in detail.

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Khan Sahib Ismail Hajee Easa Sait *(Mattancheri):* Sir, I also oppose this Bill. The Municipalities have got enough powers to do all those things mentioned in this Bill. The Municipal Act is sufficient for our purpose. Moreover there are also health officers appointed in Municipalities. So we do not want this Bill. I strongly oppose this Bill.

Mr. A. V. Moothedan *(Chalakkudi)*: Sir, I support the Bill in a general manner. As the Bill stands, there are several provisions which if they are properly worked out will be very good for the people of our State. If the Bill as it is becomes law and if it is worked out properly, our State will be a paradise. I say our people will be more healthy than the people of any civilised country but the question is whether our State can afford to work out a scheme like this at present. This is applicable to the whole State the 250 villages in the State Some of the provisions are very irksome to the villagers who have been living in a very free air without any of the molestations from the Municipal Officers and bill-collectors. Now the Hon'ble Minister has got a very salutory object in view and it is ideal and it is desirable and it should be the ideal which every citizen should work to reach. That I agree. But as a practical proposition, I fear whether the Minister will be able to work this Act in the semi-urban areas. In the Municipalities, of course, there are these provisions already existing. Regarding urban, semi-burban areas, there are some semi-towns or small towns—though they are higher than villages, they have not got the status of towns. There are some semi-towns like that, say, Kunnamkulam and such places. Bill like this is highly necessary at Kunnamkulam, because it is a congested place and I think the persons who were so vociferous in attacking the Town Councils Act will welcome this measure because it is for their own good and for their own help. Similarly, there are half-a-dozen villages, semi-urban areas, where the Bill can be tried. But I fear it won't be possible or feasible to extend the operation of the Bill to the whole State and there will be no trouble. If this Bill is to be properly worked out, so many officers will be required, Health Officers, Sanitary Inspectors, Bill Collectors, Maistries—so many officers will be required. How can we get the man-power to work all these now. So it is a very difficult matter and we can very slowly proceed and by the time the war is over, and on the return of those who are serving in the war, this scheme can be worked out for improving the health of the people. As has been pointed out, this is a measure appropriate for postwar reconstruction. Anyhow, we can consider the proposal and make suitable arrangements for working out the postwar scheme. With these observations, I support the motion in a very general way.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, I may at the outset submit that I find myself in the happy position to be in agreement with my comrade from Cranganore, the Hon'ble Member Mr. Ibrahim, in that I wish to support the measure before the House. I hear a murmur from the left hand side that the reason for the support from these two individuals is the result of their not studying the Bill. Let us see. The few sentences in the statement of objects and reasons are will worth repeating, and with your permission, Sir, I shall read the statement of objects and reasons. "There is now no separate and self-contained enactment regarding matters connected with public health". That statement will not be questioned. "The few provisions that exist are now contained in the Municipal Act". Again a statement which cannot be questioned "The provisions relating to public health contained in the Municipal Act have been extended to rural areas and some of them are found to be far in advance of the requirements of village life and great difficulty is also being experienced in giving effect to all the provisions". Not one of the different parts of the sentence will also be not questioned. "Further the public health activities of Government in the rural areas are being carried on by the Department of Public Health independently of the Panchayats who should really function as the local aushority." A very laudable idea in that this alone will ensure a local check and control so essential for satisfactorily discharging the important duties connected with public health matters. I am not concerned whether it is an adaptation of the Madras Public Health Bill or not. "Care has been taken as far as possible not to encroach upon the powers and duties of Municipalities". These sentences are sufficient grounds for any thinking Member to support this measure. But let me not be misunderstood, Sir, as being very much enamoured of the child that has been thrown into our midst by the Hon'ble Minister. Let me not be misunderstood again, Sir, if I call the child a deformed child.

Mr. A. V. Moothedan *(Chalakkudi)*: You may disown the child.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Certainly not. That is not the characteristic of a father. I am not, as I submitted before, enamoured of the child in the form in which it exists, with the deformities that exist, but a father does not cease to love his child for the reason of the deformities of the child, he does not throw it into the ditch, into the backwater or abandon it, or leave it to some other agency to take care of it. Certainly not. He

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tries to get rid of the deformity, if that is possible, to lessen the unhappiness of it to the extent that is possible and thus make his own child as pleasant-looking as possible and if all deformities cannot be removed, even then, the father will be satisfied with his child, because according to the Hindu Sastras and other Sastras, a child is a necessity for a father. It is from this standpoint that I stand up here to support the Bill. One chief objection from every Hon'ble Member who got up to oppose this Bill has been that local authorities and the powers vested in local authorities should be left untouched. Who ever quarrels with that. A case has been made out or rather reference has been made to the necessity of universal education. Nobody questions the need for it. The earlier that is achieved the better. Civic consciousness largely emanating from education is necessary as has been stated by a veteran member. Nobody questions that. And again another point the Hon'ble Member raised in this connection was that the poverty of the masses is the chief reason for the insanitary condition among them and therefore the remedy is not the Public Health Act, but the removal of poverty. A very sound proposition as far as the question of removal of poverty is concerned. By all means work in this direction. It helps in this behalf. Do come forward with a Compulsory Education Act and an adult education scheme, or do help those that come forward with such schemes. Do try to the utmost of your capacity for removing the poverty of the masses. Do also try your level best to make the masses of Cochin civic-conscious. But are these the reasons to oppose the Public Health Act which has the central idea of improving the public health of the State? To my humble thinking they are not. Therefore, as I stated already, the Public Health Act, according to me, is a necessity. The Bill as placed before the House is not in its entirety acceptable also. There are additions to be made, there are removals to be effected. And when such things are done as they could be done by the Select Committee and if as some Hon'ble Members suspect, that the already over-powered Director of Public Health is going to be given extra powers, when that is also remedied by the Select Committee the Bill can be made acceptable and workable. So I fail to see how the Bill can be opposed and thrown out. If in any particular section the power given to the Director of Public Health under the Draft Bill is seen to be much in excess of what it ought to be, don't give such powers to him. If as I submitted before there are unnecessarily large powers and offensive powers given to the Director of Public Health don't give him those powers; improve the Bill in the manner that is wanted. Therefore, the defects in the Draft Bill being possible to be removed by the process mentioned in the motion itself, namely, being examined by a competent Select Committee, the defects being possible to be remedied by a Select Committee, at this stage, when we are considering only the principle of the Bill and not the various clauses therein, I do not find my way to agree with the various Hon'ble Members of mine who have been opposing the Bill. And on their own arguments, this is not a Bill to be opposed for the reasons mentioned by them, and on the other hand, especially with reference to the veteran member from Nellayi, my hon'ble friend Mr. Ramachandra Ayyar, most of the arguments contained in his speech are arguments for the introduction of a Public Health Act in the State. So my respectful submission, Sir, is that this Bill may kindly be supported by all persons having the welfare of the masses of the State and especially of the rural areas, in their hearts. As I submitted before, changes should be made in the form and to the extent to which this Draft Bill goes; unnecessary burdens should certainly not be placed upon the poor masses, but necessary clauses may be there. So, in this view, I shall request the Hon'ble Members to support this Bill, that is, by sending this Bill to a Select Committee. By sending a Bill to the Select Committee we only stand committed to the principle of the Bill and not to the clauses of the Bill. The principle of the Bill is acceptable, namely, the improvement of the public health of the State. The motion may therefore be allowed to be carried and the next motion, namely, reference to the Select Committee may also be made possible to be carried. I support the Bill with pleasure.

Mr. Ephraim Ouseph *(Narakal)*: Sir, The necessity of the Bill has been questioned by a veteran member of this House and that point has been well answered by the Member from Vadakkancheri. I wish to intervene in this debate just to correct an impression that this Bill is an attempt to encroach upon the powers of the local authorities in Cochin. I suppose the most widely operating local authority in the State are the Panchayats. Very wide powers are sought to be transferred to the Panchayats according to this Bill. I can understand some people entertaining doubts about the competence of these local authorities in exercising these powers. We have in fact contemplated only the transfer of those powers which are in the nature of supervision rather than absolute control. We have made in this Bill provisions to give the Department those duties which are as a matter of fact neglected by the Panchayats. As far as the Municipal areas are concerned, in some measures now contained in the Cochin Municipal Act, some dual control or concurrent authority is sought to be given to the Public Health

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Department, especially to the Director. The need for that is felt because of the weakness of the representatives in the face of strong local public opinion, especially in the matter of epidemic measures. It is only an attempt to establish a dual control and a supervising authority. In fact, the Madras Act provides wider powers for the executive authority than in the State. In the matter of appointment to the grades of Health Officers and inferior officers, we have given the Local Authority very much wider authority than the Madras Act in this Bill.

Mr. A. B. Salem *(Mattancheri):* May I question, Sir, whether the Madras Act provides to set apart 25 per cent of the revenues for public health matters.

Mr. Ephraim Ouseph *(Narakal):* I mentioned only the power of appointment. Whether the question of 25 per cent can be altered is a matter of detail, which can be looked into by the Select Committee at its proper stage. We are now concerned only with the general principles of the Bill. The question at issue is whether this Bill involve a curtailment of the powers of the local authorities. We find on examination that the Bill seeks to expand the powers of the local authorities. For these reasons, I request the House to support this measure on the general principle of the expansion of the powers of the local authorities.

Mr. K. Narayana Menon *(Mulakunnathukavu);* Mr. President, Sir, I beg to submit only a few points for the kind consideration in view of my past experience of the enforcement of some provisions of the Municipal Act which is now in force, to rural areas. The first experience is the incident known about the Kudumbi Chetties at Trippunittura when the public health authorities attempted to enforce compulsory vaccination. The second was the Town Councils Act. I beg to state boldly that when the ex-Diwan Mr. Dixon arrived at Shoranur for the first time, he was greeted by no applause, but by the loud cries against the Town Councils Act and that was the very first thing that was ordered to be kept in abeyance by the ex-Diwan. Beyond these two Acts, there is the Panchayat Bill which is now under the consideration of a Select Committee. On my humble reading, I find that most of the provisions regarding rural sanitation are also embodied in both these Bills. These together, in my opinion, are sufficient for rural development in any area and for the sanitation and public health of the locality. If over and above that, for the rural development, an addition of the Public Health Act is also necessary, this may as well be gone into, but my respectful submission is many of these provisions in this Act which are so very detrimental to the life of the villager and to the civic life of the citizen may be abrogated and detailed in such a manner as to be acceptable to them. I would respectfully recommend to the Minister for Rural Development that these two Bills being allied Bills, the Panchayat Bill and the present Public Health Bill, may be kindly referred to the same Select Committee. I have nothing more to add, Sir.

Mr. M. Krishna Menon *(Trichur-North):* Sir, notwithstanding the mention of the fact that "care has been taken as far as possible not to encroach upon the powers and duties of the Municipalities", I am afraid that the Hon'ble Minister for Rural Development has taken a fancy to encroach into the Municipal areas. The news that Village Courts are being opened in Municipal areas synchronises with the introduction of this Bill. Section 143 is "If any provision relating to public health contained in any other enactment in force in Cochin State is repugnant to any provision contained in this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be void". To put my argument in another way, if in section 1, sub-section (2), "it extends to the whole of Cochin State", the words "except the Municipal areas" are added, I could understand the bonafides with which this Public Health Bill has been introduced. Sir, I have finished.

Mr. M. Sivarama Menon *(Advocate-General);* Sir, I only rise upon this occasion to remove certain misapprehensions that have been caused in the minds of some of the Hon'ble Members. The Hon'ble Member for Chittur in speaking upon this Bill raised the point that the powers of the Municipalities have really been encroached upon by some of the provisions contained at page 9 of this Bill and he particularly referred to clause 11 wherein it is stated that "every local authority shall provide its Health Officer with such clerical assistance, office accommodation, furniture, equipment, stationery and forms as may in the opinion of the Director of Public Health be necessary for the proper conduct of the business of the Health Officer". Now when a Health Officer and his staff is tacked on to a Municipality, there must be a statutory duty upon that Municipality to provide adequate convenience for the proper conduct of their office. Therefore a statutory provision was found to be absolutely necessary. The question before the House is whether that provision in any way offends the self-respect of the Municipal Councils or whether their powers have been encroached upon. The latter part of section 11 says "If for any reason the local authority disagrees with the opinion of the Director of Public Health, the local authority shall refer the matter to Government whose decision shall be final". When

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there is a conflict of opinion between the Director of Public Health and the Municipal Council concerned, the matter shall come for decision before the Government, whose decision shall be final, and no local authority in the State can say that the appellate authority of the Government will be exercised in an unreasonable way. The Government will be hearing both parties before final orders are passed. Therefore upon the specific point raised by the Hon'ble Member for Chittur, I do not think that it offends against the self-respect of any Municipality.

Mr. A. Eachara Menon *(Chittur-Rural):* Why should the Municipality be asked to refer the matter to Government? Why not the Director of Public Health?

Mr. M. Sivarama Menon *(Advocate-General):* Then the position of the Hon'ble Member for Chittur is that the power is given to the Director of Public Health in preference to the local authority, his objection to the Bill will vanish. That is a question of minor importance which does not affect the Bill in any way.

Mr. A. Eachara Menon *(Chittur-Rural):* My suggestion was that to obviate difficulties by excluding the Municipal areas in toto.

Mr. M. Sivarama Menon *(Advocate-General):* That is totally different argument which I shall answer later.

Mr. A. B. Salem *(Mattancheri):* We apprehend that such a conflict is possible.

Mr. President: Order, order. That is not a question to be raised at this stage.

Mr. M. Sivarama Menon *(Advocate-General):* Such provisions are made for the purpose of proper administration and to obviate any deadlock in the administration. The only question is whether it is reasonable.

Clause 5 of the Bill says "that" the Director of Public Health may from time to time as occasion requires, recommend for adoption, by any local authority such measures as may be necessary for improving the public health administration in the local area or for safeguarding the public health. But if on account of financial or other reasons any local authority is unable to carry out such measures, or if there is any difference of opinion between the local authority and the Director, the matter shall be referred to Government whose dicision shall be final. There also you will find that the Director of Public Health is not the absolute monarch of the situation. If he recommends any particular course of action to be taken in the interests of public health and if the Municipality thinks that they are unnecessary or that the funds of the Municipality cannot cope with that, or if any other difference of opinion arises that matter also has to come before the Government for final decision. Now, let us examine what is the present position of the Director of Public Health with regard to the Municipalities in the State. Section 37 (4) of the Cochin Municipal Act has made the Director of Public Health the statutory Health Inspector of all Municipalities concerning all matters relating to public health that are referred to in Part IV of the Municipal Act. He can have access to such Municipal property or premises and is entitled subject to any rules that may be framed by the Government for his guidance, to inspect such registers, books, accounts and other documents, and to require such information as he may consider necessary to enable him to discharge his duties as Statutory Inspector. Such recommendations as may be made by him in connection with the matters referred to in Part IV of the Act, has to be carried out by the Municipal Council concerned as far as possible and in cases where the Municipal Council disagrees with such recommendations or finds itself unable to carry them into effect, that fact is to be promptly reported by the Municipal Council to the Government whose orders on the matter is final. Therefore really speaking, upon principle there is no vital difference at all created by this Bill. The present position is only being continued. I may also state before the House that a deviation has been made from the Madras Public Health Act in one respect, to preserve the powers now enjoyed by Municipal Councils. In the Province of Madras the appointment of all the Health Officers can be made by the Director of Public Health. But here, in order that it may not wound the feelings of the Municipal Councils the power of recommendation or nomination of Health Officers which is conferred upon them by the Municipal Act is still maintained in tact. Even now the appointment of Health Officers rests with the Government. But there is the right vested in the Municipal Council to make their recommendation to the Government and the Government can either accept their recommendation or nominate another candidate or ask the Municipal Council to submit fresh proposals for the consideration of Government. Now that power still remains in tact. Here the entire Health staff under the Health Officer, including scavengers, maistries, etc., are appointed by the Municipal Council. Under the Madras Act, all these appointments could be made by the Director of Public Health or any officer nominated by him for the purpose. Now they are all appointed by the Municipality. That power has been maintained in tact. The Hon'ble Minister did not want that by this Bill he should have any sort of encroachment

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upon the powers already enjoyed by the Municipalities. These are all deleberate departures from the Madras Public Health Act to preserve the dignity, the self-respect and the powers already enjoyed by the Municipalities.

The one further point that was raised by the Hon'ble Member for Ernakulam was that in Section 124 of the Bill, there is provision to the effect that 25 per cent of the revenues of a Municipality except the Government grants, should be reserved for expenditure connected with public health matters. I can never for a moment think that that provision is in any way an encroachment upon the powers vested in the Municipal Councils. The moment it is stated that they are not prepared to ear-mark 25 per cent of the revenues for matters connected with public health for a proper discharge of the functions relating to public health under the Municipal Act, then the Municipal Councils will certainly be failing in their statutory duty.

Mr. M. Nanu Menon *(Ernakulam):* It is not a question of money.

Mr. M. Sivarama Menon *(Advocate-General):* Then I should say the Municipal Council will be failing in their duty if after collecting drainage tax, they don't attend to drainage works and such other matters of public importance. It is the duty of the Municipality to maintain Contageous Hospitals in such a good condition the people would voluntarily go there when necessity arises. If the Contageous Hospital run by the Municipal Council is not on up-to-date lines, the people will be put to great difficulties. The Contageous Hospital should be maintained in such a condition that people should be in a position to go there, just as people go to the General Hospital for treatment. The Contageous Hospitals should be ideal hospitals, and without adequate funds this cannot achieved. It is to provide for all public health amenities that this Bill compels you to ear-mark 25 per cent of the revenues. Section 124 says that "every Municipality shall ear-mark not less than 25 per cent of its income from all sources other than Government grants, for expenditure on the advancement of public health in its local area, and that every Town Council shall likewise ear-mark not less than 10 per cent of its income for such a purpose",

The Government may for financial or other reasons, vary the provisions of this sub-section to such extent as they may think fit in the case of any Municipality or Town Council in appropriate cases.

What I say is that adequate safeguards have been provided in this Bill to avoid conflict between the authorities constituted for the administration of Public Health, and the Municipality or other local authorities, and one fundamental principle of this Public Health Bill is that hereafter the administration of Public Health in rural areas will really be vested in the Executive Authority which is defined by this Act to mean the President of the respective Panchayats in cases of Panchayats. If by a careful perusal of any of the provisions in the Bill, any member of the Select Committee or any Hon'ble Member is able to find out that any provision is either unworkable or is likely to come into conflict with the provions of the Municipal Act I do not for a moment think that the Government would insist that that provision should necessarily be there. That matter can be discussed and we can come to a settlement in these matters, but upon the principles involved in a Bill of this nature I never for a moment think that the Hon'ble Members can object to it. Defects, if any, can be removed by the Select Committee. I may at once declare that I know as a matter of fact that the Hon'ble Minister was purticular in seeing at the time of drafting this Bill that it did not encroach upon the powers of the Municipal Councils. No doubt there is an attempt at the centralisation of the administration of Public Health affairs because in matters of public health unless and until there is a centralised agency the Department cannot work successfully and effectively. Even in cases where local authorities can act, unless there is a controlling agency vested in the Central Agency, it cannot but lead to ultimate failure. Therefore the existence of a Central Agency subject to the control of Government, a Government which is administered by the Minister in this branch and who is aubjcet to the vote of this House, I do not for a moment think that there is any likelihood of any danger. On the other hand I think that we can expect that more funds will be found for the maintenance of public health in rural areas on account of the presence of this Act in the statute book. The Hon'ble Member for Chalakkudy was perfectly right in pointing out that this Bill is carried into law will certainly bring about an ideal state of things. And therefore the question will be after having brought into existence a piece of legislation is it up to the Hon'ble Minister to sleep over it. The existence of this Bill as an Act will only be an encouragement to do greater and greater health service in rural areas. Even though there are some provisions in the Municipal Act relating to public health you will find on a close study of the provisions contained in this Bill that there are several provisions in this Bill which are not embodied in the Municipal Bill, powers regarding venereal disease, maternity

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child welfare work, seggregation, ear-marking of certain areas for residential purposes alone, etc. Those are provisions contained in the Madras Public Health Act and it was thought advisable in the interests of the future development of Cochin that we should have such provisions here. I think that Hon'ble Members will not object to the passage of this Bill at this stage. We can try to remedy defects, if any, at the Select Committee Stage.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Will you kindly give this House the benefit of your views both as Advocate-General and as one who has been for a long time the Chairman of the premier municipality in the State on the objection that power is sought to be vested in the Director of Public Health over and above the powers that he has already got at present as per the Municipal Act, for example, the powers sought to be vested under sections 6, 7, 8, 9, 10, 11 and 12 of this Bill. The objection raised is that though these sections seek to vest him with powers as to enable him to coordinate the Public Health administration of all the Municipalities the cumulative effect of all these powers is to form pin pricks to the day to day administration of the municipalities so also on the principle involved in giving an executive officer of the Government such over-riding powers in matters which affect the rights of municipalities intimately, I invite you to give us your views.

Mr.M.Sivarama Menon *(Advocate-General):* Now, I may say that at the time this Bill was drafted I kept in mind the fact that I was Chairman of the Municipality for about eleven years. Under section 4 (2) you will find that "Government may, from time to time, define the powers to be exercised, and the duties to be performed by the Director of Public Health or any member of his staff for the purpose of sub-section (1)." Limitations can, wherever necessary, be imposed upon the powers of the Director of Public Health under this section. You can rightly expect that consistently with the interests of the Public Health of the State, I shall be endeavouring to press the powers that are now enjoyed by the Municipalities in matters relating to Public Health. The allocation of a certain percentage of the revenues for expenses for maintenance of Public Health will be very necessary as in the case of the provision for drainage in the Municipal Act.

Mr. M. Nanu Menon *(Ernakulam):* Sir, the Advocate-General has misunderstood my point. I never objected to the percentage. I objected to the authority asking the Municipality to provide so much percentage. It is the Municipality's interest to look after the welfare of the inhabitants of the town. But I object to the authority asking the Municipality to provide so much percentage of the fund.

Mr. M. Sivarama Menon *(Advocate-General):* It is by command of this House that you are doing it and not by the command of the Director of Public Health.

Motion put and carried

Secretary to the Legislative Council: The title of the Bill is "The Cochin Public Health Bill."

Mr. T. K. Nayar *(Minster for Rural Development):* Sir, I beg to move that the Cochin Public Health Bill be referred to a Select Committee consisting of the following members.—

Messrs. M. Nanu Menon, P. P. Devassi, Ephraim Ouseph, Mrs. Joshua, the Chief Medical Officer, the Advocate-General and the mover.

With a direction to report within two months.

Motion put and carried

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Sir, I move that all members representing urban areas.....

Mr. President: Order, order. The Hon'ble Member is too late if he wishes to refer to the last motion.

The Cochin Municipal Act (Amendment) Bill

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that the Cochin Municipal Act (Amendment) Bill be read in Council.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Mr. M. Sivarama Menon *(Advocate-General):* The purpose of this amendment is very simple. This House had decided that the system of introducing composite license for motor

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